

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PHILLIP COX,

Plaintiff,

-against-

NEW YORK CITY POLICE DEPARTMENT,
PHILIP TOMASELL, SIMA MONROE, and
P.O. # 1-3,

Defendants.
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ORDER

13-CV-3610 (WFK) (RER)

WILLIAM, F. KUNTZ, II, United States District Judge:

This action was initiated by the filing of a complaint on June 24, 2013. Dkt. 1 (“Complaint”). On May 7, 2014, Magistrate Judge Ramon E. Reyes, Jr. issued an order directing Plaintiff to update the Court with current contact information by May 14, 2014. Order of 05/07/2014. Magistrate Judge Reyes also explicitly warned Plaintiff that “failure to comply with this Order may result in dismissal of this action for failure to prosecute.” *Id.*

On May 14, 2014, Magistrate Judge Reyes held a conference in this case at which Plaintiff failed to appear. Dkt. Entry of 05/14/2014. The conference was rescheduled to June 18, 2014. *Id.* Plaintiff was again warned that “failure to appear at the June 18, 2014 conference will result in a [] report and recommendation to Judge Kuntz recommending this action be dismissed for failure to prosecute.” *Id.*

On June 18, 2014, Plaintiff again failed to appear at the scheduled conference. Dkt. 22 (“Transcript”) at 1. Magistrate Judge Reyes made a Recommendation on the record that the case be dismissed for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil

Procedure. *Id.* at 4. Objections were required to be filed by July 18, 2014. *Id.* No objections were filed.

DISCUSSION

In reviewing a Report and Recommendation, the court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1) (West 2015). When no objections have been filed, a district court reviews a Report and Recommendation for clear error. *See Zeitone v. Korsinsky & Klein, LLP*, 13-CV-0383, 2013 WL 5937397, at *1 (E.D.N.Y. Nov. 4, 2013) (Kuntz, J.) (citing *Reyes v. Mantello*, 00-CV-8936, 2003 WL 76997, at *1 (S.D.N.Y. Jan. 9, 2003) (Cote, J.)); *Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007) (Garaufis, J.).

No party has filed objections to Magistrate Judge Reyes’ Report and Recommendation in this action. The Court finds that there was no clear error in the Report and Recommendation’s determination that the case should be dismissed for lack of prosecution. The Court therefore adopts Magistrate Judge Reyes’ Recommendation in its entirety. The Clerk of Court is hereby respectfully instructed to close this case.

SO ORDERED.

s/WFK

HON. WILLIAM F. KUNTZ, II
United States District Judge

Dated: April 27, 2015
Brooklyn, New York